

Remarks

The amendment to page 8 has been taken to correct an obvious typographical error.

Claims 19 through 42 stand rejected under 35 USC 112 second paragraph as being indefinite. The Examiner refers to recitation of a "liquid" component, since it is not clear whether or not the Applicant is claiming the liquid component subsequent to curing thereof or in the liquid state. This recitation also causes problems for claims 24, 25 and 26. It is unclear how the percentages are defined, since it is not specified whether or not the percentages apply to the PVC in an emulsion state, including solvents or water, or in a subsequent polymerized state. In response thereto, the Applicant has amended the claims to specify that the radiation absorbing layer comprises a hardened liquid caoutchouc component. This change, in combination with the recitations of claims 24, 25 and 26 specifying that the rest of the composition comprises softener, clearly define the percentages being claimed, with all percentages adding up to one hundred percent. Review and acceptance is therefore requested.

Claims 19, 20, 23, 27, 28, 29 through 35, 37, 38, 40, 41, 42, 43, 44 and 45 stand rejected under 35 USC 102(e) as being anticipated by Lagace '666. Claims 19 through 45 stand rejected under 35 USC 103(a) as being unpatentable over Lagace '666. Arguing the rejection in the third line of page 3, the Examiner states that the composition of Lagace is cast on a support and therefore meets the claimed two layer structure. The applicant respectfully disagrees. The preamble of claim 19 specifies that the claim is directed to a multi-layer material. This recitation clearly

defines a structure having a carrier layer and a radiation absorbing layer as subsequently claimed. The Examiner has used the release paper of Lagace to read on the carrier layer. However, this is clearly inconsistent with the invention as claimed, since Lagace does not teach a multi-layer structure, rather a single layer structure which is placed on release paper during production thereof, the release paper subsequently being removed after the layer has solidified (see in particular column 3, beginning at line 35 of Lagace for disclosure of the release paper). Therefore, the release paper is simply an intermediate structure used in the preparation of the single layer material and the final product produced by Lagace does not have a multi-layered, rather a single layered structure. The release paper of Lagace merely corresponds to element 4 of figure 1 in the instant invention.

Nevertheless, in order to expedite prosecution of the instant invention, the Applicant has elected to amend claims 19 and 43 to explicitly specify that the radiation absorbing layer is attached to the carrier layer in a permanent manner to form the multi-layered material. The release paper and molds of Lagace clearly fail to read on this limitation, since those structures are subsequently removed from the layer of Lagace.

The invention specifies a multi-layer structure in which the radiation protection properties of the structure are defined by one layer and the mechanical properties by the other. In so doing, the invention permits manufacture of a multi-layered material having good mechanical integrity as well as proper flexibility for comfort of wear, while nevertheless achieving good radiation protection. The Lagace reference does not suggest a two-layered structure and therefore fails to provide motivation

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for the advantages associated therewith. The Applicant therefore requests favorable review by the USPTO and passage to issuance.

No new matter has been added in this amendment.

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Date

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